IN THE HIGH COURT OF JUDICAUTRE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

(110) **COMPANY APPLICATION (L) NO. 654 OF 2004**
IN
COMPANY PETITION NO. 204 OF 1994

Engineering Workers Association ... Petitioner

Vs.

Poysha Indl. Co. Ltd. ... Respondent

Ms. N.D. Buch i/by Mr. B.B. Dholakia for Applicant.

Ms. K.V. Gautam, Dy. Official Liquidator present.

CORAM : A.M. KHANWILKAR,J.
DATED : JULY 15, 2005

P.C.

. By this application, the applicant is espousing cause of the workers in two ways. Firstly, that the amount already adjudicated by the Official Liquidator be paid to the workers. Secondly, that the adjudication done by the Official Liquidator though in favour of the workers, is inappropriate in certain respects.

. The representative of the Official Liquidator has brought to my notice that the proceedings have been taken out by the secured creditors before the Debt Recovery Tribunal being Recovery Proceeding No. 425 of 2003 in Original Application No. 1348 of 2000. The said proceeding is now adjourned to 26th July, 2005. The Official Liquidator will therefore, submit the report before the Debt

Recovery Tribunal in the said proceedings. After submission of the said report, the claim of the applicants with regard to adjudicated amounts payable to the workers can be considered by the Debt Recovery Tribunal.

. In so far as the second aspect pressed in to service on behalf of the applicant that is left open to be agitated by the applicant by taking out substantive proceeding for necessary relief as may be advised. Such application, if filed, will be considered on its own merits in accordance with law. This application is disposed of in the above terms with liberty to the applicant to take out fresh application as prayed for.

(A.M. KHANWILKAR,J.)